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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/950,085	09/12/2001	Kazuyuki Imagawa	2001_1302A	2110

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EXAMINER

DESIRE, GREGORY M

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/950,085

**Applicant(s)**

IMAGAWA ET AL

**Examiner**

Gregory M. Desire

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-18, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 9-10 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/10/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 11 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al (6,546,052) in view of Ikeda et al (6,704,029).

Regarding method, apparatus and computer-readable recording medium claims 1, 15 and 21 Maeda discloses,

Extracting a region from said images including the user partially or entirely (note col. 7 lines 18-20, object extractor extracts entire image of the user);

Determining whether or not the user included in the region extracted in said extracting step is facing a predesignated direction (note col. 7 lines 9-13, moving image which includes the region extracted the object image is facing a predesignated direction. It is in front of a blue background).

Editing the media including the image sequence selected in said selected step (note col. 7 lines 30-35, moving image editor edits received image)

Maeda discloses plurality of image frames for encoding. However, Maeda does not disclose a frame selection part determining starting and ending frames. Ikeda discloses registration process, determining starting and ending frames for an important

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scene in a moving image (note Maeda col. 5 lines 55-60). Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include registration process in the system of Maeda. Registering important scene information would have been a highly desirable feature in the media editing art due to its selective functions and Ikeda recognizes that registering important scene information would be expected when determining starting and ending frames in Ikeda is included in Maeda.

Regarding claim 2 Maeda and Ikeda discloses,

Wherein said determining step determines whether or not the user included in the region extracted in said extracted step is facing the front (note Maeda col. 7 lines 9-13 and col. 2 lines 23-25, moving image which includes the region extracted (object image) is facing the front of a blue background).

Regarding method and apparatus claims 3 and 16 Maeda and Ikeda discloses,

Said selecting step selects, by scanning the image sequence from the start point to the end point, and from the end point to the start point, the part of said image sequence satisfying as being between the time points determined in said determining step as the user facing the predesignated direction and between time points and which sound is detected (note Ikeda col. 3 lines 25-40, it is inherent for a video camera to include a microphone and detect sound.)

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Regarding claims 4 and 8 Maeda and Ikeda discloses,

Wherein said editing step specifies the image sequence selected in said selecting step by description in a meta-data format (note Maeda col. 35 line 65- col. 36 line 3, correction step along an elapse time, examiner interprets as meta-data possible for partial regions).

Regarding claim 5 Maeda and Ikeda discloses,

Wherein said editing step clips out the image sequence selected in said selected step from said media (note Maeda col. 11 lines 37-45, examiner interprets image editor extracting feature amount as clip out image sequence selected).

Regarding method and apparatus claims 6 and 17 Maeda and Ikeda discloses,

Wherein said editing step selects the first image in the image sequence-selecting step as an initial display image (note Maeda col. 8 lines 33-38 first image begin encoding).

Regarding method and apparatus claims 7 and 18 Maeda and Ikeda discloses,

Wherein said editing step calculates a partial region corresponding to said image sequence based on a position and size of the region in said extracting step and performs editing by using said partial region (note Maeda col. 7 lines 20-40, examiner interpret mpeg encoding as calculating partial region, encoding can compress data to perform editing).

Regarding claim 11 Maeda and Ikeda discloses,

Wherein said editing step performs image conversion process for one or more of said images (note Maeda fig. 10 block 201 and col. 8 lines 15-25, includes encoder that performs conversion process).

3. Claims 12-14 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda and Ikeda in further view of Kato et al (6,594,375).

Regarding claims 12 and 20 Maeda and Ikeda discloses,

Extracting object, which includes an entire person. However Maeda as modified does not disclose extracting a face region including the user's face. Kato sends moving image data to a face area extraction unit, precisely encoding human face (note Kato col. 3 lines 25-28). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a face area extractor in the system of Maeda as modified. Precisely encoding human face would have been a desirable feature in the media editing art due to its pattern recognition functions and Kato recognizes that precise encoding would be expected when face area extractor of Kato is included in Maeda as modified.

As to editing step refers to data calculated based on face region extracted and from character database storing a plurality of character image and the face characteristic thereto (note Kato preprocessing unit).

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Regarding claim 13 Maeda, Ikeda and Kato discloses,

Wherein said editing step calculates face characteristics based on character data inputted by the user (note Kato fig. 10, block 101, input device, wherein user can input character data).

Regarding claim 14 Maeda, Ikeda and Kato discloses,

Wherein said editing step calculates face characteristic based on a length to width ratio or a partial characteristic of a face in the face region extracted in said extracting step (note Kato fig. 2 block 24, examiner interpret encoding as calculating partial region, encoding can compress data to perform editing).

#### ***Allowable Subject Matter***

4. Claims 9-10 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 9-10 and 19, prior art fails to disclose non-overlapping feature disclosed in the limitations in combination with other features.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on M-F (8:30-6:00) Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire  
Examiner  
Art Unit 2625



G.D.  
November 10, 2004